

## PORT AND SOLID WASTE DEPARTMENT



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APPROVED 12.13.10

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PORT AND SOLID WASTE DIRECTOR

### PROCEEDINGS OF THE BROWN COUNTY HARBOR COMMISSION

A meeting was held on Monday, **November 15, 2010** at 11:30am., at Port & Solid Waste Office, 2561 S. Broadway, Ashwaubenon. The meeting was officially called to order by President McKloskey.

#### Roll Call:

Present: President Neil McKloskey  
Commissioner Tom Klimek  
Commissioner Bill Martens (*left at 12:56pm*)  
Commissioner John Gower  
Commissioner Craig Dickman (*left at 12:35pm*)  
Commissioner John Hanitz  
Commissioner Hank Wallace (*left at 1:00pm*)  
Commissioner Ron Antonneau  
Excused: Commissioner Bernie Erickson  
Also Present: Charles Larscheid, Brown County Port & Solid Waste  
Dean Haen, Brown County Port & Solid Waste  
Mark Walter, Brown County Port & Solid Waste

#### 2. Approval/Modification – Meeting Agenda

**A motion was made by Craig Dickman and seconded by John Hanitz to approve the agenda.**  
Unanimously approved.

#### 3. Approval/Modification – October 11, 2010 Meeting Minutes

**A motion to approve the October 11, 2010 meeting minutes was made by Neil McKloskey and seconded by John Gower.** Unanimously approved.

#### 4. Cat Island Chain Restoration Project - Update

##### a. WDOT Harbor Assistance Grant Agreement – *Request for Approval*

Staff again is requesting this item be delayed until next month as the project has not progressed as quickly as staff had hoped. It is critical this Grant Agreement is in place as currently none of the grant costs are reimbursable. The U.S. Army Corps of Engineers (USACE) is working with Brown County on the Project Partnership Agreement. With Brown County performing the work, this has created a Grant Agreement which is outside of the USACE normal procedure. This Grant Agreement will be multi-year. Fortunately the Wisconsin Department of Transportation (WDOT) has been very flexible in working with Brown County. One item the WDOT is not flexible on is changing the Grant Agreement's Scope of Work. There continues to be ongoing discussions with the USACE to allow Brown County to provide the stone needed for this project. Staff noted that with the newly-elected Governor assuming office in January 2011, this Grant Agreement may be affected if unencumbered State money is frozen. The Commission believes that the chance of losing the money for this Grant Agreement is significant enough to proceed with committed urgency. Staff agreed and proposed having a joint meeting with the Planning, Development & Transportation (PD&T) Committee in order to speed up the approval process. This would allow the Grant Agreement to go before the County Board for approval Dec. 15th before

year-end. Commissioner Gower requested return to the adoption of the minutes. Commissioner Gower requested that in Agenda Items #5 and #12 that the word "permit" be included after "Chapter 30". Commissioner Gower also requested that the last sentence in Agenda Item #5 be changed to read, "Discussion followed on the qualifications of the company that received the contract." **Commissioner Gower moved that the minutes be amended as requested with a second from Craig Dickman.** Unanimously approved.

b. Easements – *Update*

There has been an ongoing debate between the USACE and Brown County Planning property listings of the exact boundaries of this area. Due to the most recent decision, Brown County has determined that an easement from Brown County Conservation Alliance is not required for the right-of-way on the road along the west end of the property. With the change in boundaries, it also allows Brown County to use the corner of the lakebed thus avoiding the WDNR property. It was noted the photos are not to scale and this is not a legal document.

c. Water Quality Certification – *Update*

Application has been made to the WDNR for a 401 Water Quality Certification for the access road. Brown County has requested permission to fill across the Brown County Parks land. Staff discovered in follow-up with the WDNR and USACE that the State had changed the Scope from "getting a permit for the access road" to "the whole Cat Island being permitted". The State has greatly expanded upon the original permit request. Six items of concern were identified by Brown County along with one area of major concern. After discussion with the USACE, these same items were of concern to them also. Staff spoke with the WDNR last week who was very receptive to the requested changes and appreciates the position Brown County is in and the impact of those items. Staff reviewed those items for the Commission and indicated they are confident the requested changes will be made. Discussion ensued.

Staff noted Brown County will never take ownership of the lakebed but is the administrator of the State's lakebed. All documentation will be reviewed by Brown County Corporation Counsel. Commissioner Gower stated that he drafted the legislation of this lakebed grant to Brown County and questioned the statement that Brown County did not own it. Director Larscheid explained that you take title of administration but it is still in public trust. Gower stated he did not believe that was how the Bill was drafted, signed or read. Staff indicated they would look into this further but noted this issue would not affect the project. Discussion also ensued on liability issues and Staff indicated they would gather further information on ownership rights for discussion at the next meeting.

5. Closure of Renard Island – *Update*

a. GLRI Closure Activities Bid - *Update*

Additional information on the Bid was handed out at the meeting. Five bids were received on this project with Peters Concrete submitting the lowest bid. Staff explained the Bid process and requirements. Staff anticipates the project to be completed by March 15, 2011. Discussion ensued. **A motion to approve Peters Concrete as the low bidder for the GLRI Closure Activities Bid was made by John Gower and seconded by Ron Antonneau.** Unanimously approved.

5. Cat Island Chain Restoration Project - *Update*

b. Easements – *Update*

c. Water Quality Certification – *Update*

Photos of the construction of the causeway were shown to the Commissioners. The project will be completed within a week or two and the cap put on the Island shortly thereafter. A Quality Assurance Plan (QAP) was completed and will be brought to next month's meeting. A letter to Senator Kohl from the USACE explaining the USACE's position on the bid process and the contractor's qualifications was discussed. The Commission requested a letter be drafted to send to our legislators to make them aware of Brown County's position and request the money remain earmarked for this project especially in light of the newly-elected Administration taking office in January 2011.

6. Bay Port Dredge Material Rehandling Facility Expansion – Update

Facility expansion documentation in draft form has been submitted on behalf of Brown County through Robert E. Lee. Staff plans to meet with the WDNR and will have more information at the next meeting. ENCAP did a Non-Disclosure Agreement and since then has taken steps to receive approval from the WDNR to perform testing.

7. Highway 41-141 Beneficial Reuse Project – Update

Staff is optimistic the WDOT will be able to incorporate the use of Brown County's dredge material into this project. The WDOT is putting out at least three bids beginning in May 2011 which involve moving 700,000 to 800,000 cy of fill. A total of 350,000 cy of sand will also be taken from the Suamico wetlands mitigation project. Language will be put in the bid by the WDOT encouraging the contractor who is awarded the bid for the Hwy 41-142 project to use Brown County's dredge material along with the 350,000 cy of sand from the project in Suamico. As requested by Brown County, Foth has completed a QAP. Staff provided a timeline of what needs to be done before the WDOT bid is put out in May.

8. Tonnage Report

Staff noted the Port is anticipating another 200,000 tons of salt to be brought in by year-end.

9. Audit of Bills – Request for Approval

**A motion was made to approve by John Gower and seconded by Tom Klimek.** Unanimously approved.

10. Director's Report

- 2011 Budget

The budget was passed by Brown County and no changes were made to the Port side although they did lower the administrative cost increases which were proposed. A request to use a portion of the Solid Waste's unrestricted funds for general County purposes was proposed but not accepted. Staff will review with Brown County Corporation Counsel as to whether these funds, which were established per contracts with our users, may be used for other purposes. Director Larscheid did state that it was a 14-hour meeting and that at the end of 12 hours he was not sure if there were any level heads at that point.

- Newly-Elected Officials

Staff has sent letters of introduction to the newly-elected officials.

- Strategic Plan

Creation of an Economic Development Committee is one of the items in the revised Strategic Plan. Staff suggested contacting Advance, which is an arm of the Chamber of Commerce and is creating a Business Attraction Committee, to possibly work together to bring businesses into the area. Although not always port-related this may be something the Commission is interested in pursuing.

- 2011 Public Relations Plan

Work is progressing on the 2011 public relations plan with Leonard & Finco and more information will be brought to next month's meeting.

- U.S. Oil

U.S. Oil received a grant for improving their facility on the west shore to bring in petroleum products. Upon receiving their permit to dredge, Brown County gave U.S. Oil approval for disposal of 15,000 cy at Bay Port at a cost of \$7.51/cy which will add \$112,000 to the Harbor Dredging Fund.

The Commission asked if the public relations plan included exposure in the Fox Valley. Staff explained various venues are being looked into and asked for any suggestions or ideas.

**A motion was made by Ron Antonneau and seconded.** Unanimously approved.

11. Such Other Matters as Authorized by Law

The Commission asked if the December meeting could be held on Monday, December 13, 2010. Staff indicated this would be the normally-scheduled meeting date unless there is a combined meeting with PD&T.

12. Adjourn

**A motion to adjourn was made by John Hanitz and seconded by Tom Klimek.** Unanimously approved.  
Meeting adjourned at 1:00pm

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Neil McKloskey, President  
Harbor Commission

Charles Larscheid, Director  
Port & Solid Waste Department